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FILE NO: 74096.2

July 27, 2009

**By Overnight Mail**

Ms. Sylvia Burges  
U.S. Environmental Protection Agency  
Office of Compliance and Enforcement, M/S OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Mr. Brian Monson  
Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706



Re: Response to Paragraph 58  
Administrative Consent Order for Nu-West Industries Idaho Facility  
Docket No. RCRA-10-2009-0186

Dear Ms. Burges and Mr. Monson:

Enclosed please find Nu-West Industries, Inc.'s submission in response to paragraph 58 (Expedited Data Collection). The submission includes an index listing and briefly describing historical releases, identifying their location in prior submittals or referencing the location in supplemental attachments to this submittal; a compilation of supplemental attachments; and diagrams identifying a rough approximation of the locations of the identified releases at the facility. The rough approximations of spill locations are based on the limited information provided in the release documentation. Please note that in preparing this response we noticed that entry number 272 was duplicative of entry 283. Entry number 272 has been removed, but in the interest of time, the numbering has not been adjusted.

As instructed in the above-referenced Administrative Consent Order, Nu-West is providing Ms. Burges with two copies (one hard copy and one electronic) and Mr. Monson with one hard copy of the response.

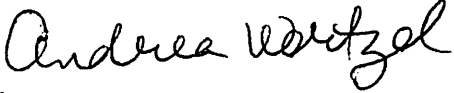
The certification required by paragraph 75 of the Order, as well as the written authorization, is included in this submission as an attachment to this letter

**HUNTON &  
WILLIAMS**

Ms. Sylvia Burges  
Mr. Brian Monson  
July 10, 2009  
Page 2

If you have any questions, please do not hesitate to call.

Sincerely,

  
for P. Scott Burton

cc: James Cagle (with enclosures)

### Certification

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: 

Name: Erik Vettergren

Title: CPO Plant Manager

Date: 7.22.09

**NU-WEST INDUSTRIES, INC.**  
**(the "Corporation")**

**CERTIFICATE OF INCUMBENCY**

I, Gary J. Daniel, Corporate Secretary of the Corporation, hereby certify that Erik Vettergren is a duly appointed officer of the Corporation and the Corporation's wholly owned subsidiaries and holds the offices with the capacities set out below:

<u>OFFICE</u>	<u>CORPORATION</u>
Director, Vice President	Nu-West Industries, Inc.
Director, Vice President	Nu-West Minerals, Inc.
Director, Vice President	Nu-West Mining, Inc.

IN WITNESS WHEREOF the undersigned has executed this certificate this 9<sup>th</sup> day of July, 2009.

**NU-WEST INDUSTRIES, INC.**

Per: \_\_\_\_\_

Gary J. Daniel  
Corporate Secretary

I, Gary S. Thoms, Barrister and Solicitor, and a Notary Public in and for the Province of Alberta, Canada, hereby certify that Gary J. Daniel is the Corporate Secretary of the Corporation as of the date of this certificate and that the signature above his name appearing on this certificate is his true signature and was signed before me.

DATED this 9<sup>th</sup> day of July, 2009.

\_\_\_\_\_  
Gary S. Thoms  
Barrister and Solicitor  
A Notary Public in and for  
the Province of Alberta